

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	No. 1:17-CR-295-CMH
v.)	
)	
ABDIRIZAK HAJI RAGHE WEHELIE,)	
)	
Defendant)	

GOVERNMENT'S SENTENCING MEMORANDUM

The United States agrees with the calculation of the sentencing guidelines in the Presentence Report. Therefore, the United States respectfully submits that the advisory guidelines range is zero to six months' imprisonment. We further submit that a sentence within that range is appropriate.

With regard to the 18 U.S.C. § 3553(a) factors, and in particular the seriousness of the offense, the defendant's conduct was willful and was made in the context of a serious, sensitive investigation. He was a trusted person at the FBI, but he broke that trust by making a false entry on a system that was used for monitoring and transcribing sensitive court-authorized surveillance.¹ He later lied to the FBI about what he had done. He also minimized his true relationship with "Person A," the subject of the investigation. The Court should consider these facts when evaluating the defendant's conduct, but should also take them into account when determining the sentence needed to deter similar conduct by others who might hold trusted positions within the FBI or other law enforcement agencies.

¹ However, we do not contend that an enhancement for abuse of trust is called for.

On the other hand, the United States does acknowledge, as said in the statement of facts, that it is not presently aware of evidence establishing that the defendant (a) informed Person A or any other unauthorized person that Person A was the target of the court-authorized surveillance; (b) discussed with Person A the commission or intended commission of any criminal act; (c) falsified other entries on the FBI system pertaining to court-authorized surveillance of Person A or any other person; or (d) received any compensation or other pecuniary benefit for making a false entry on the FBI system.

Considering the advisory guidelines and the § 3553(a) factors discussed above, the United States respectfully submits that a sentence within the guidelines range of zero to six months' incarceration is appropriate in this case.

Respectfully submitted,

G. ZACHARY TERWILLIGER
UNITED STATES ATTORNEY

By: _____ /s/
James P. Gillis
Assistant United States Attorney
Virginia Bar No. 65055
Assistant United States Attorney
The Justin W. Williams
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, VA 22314
(703) 299-3700
(703) 299-3982 (fax)
James.P.Gillis@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on January 27, 2020, I electronically filed the foregoing using the CM/ECF system, which will send a notification of such filing to counsel of record.

Respectfully submitted,

/s/
James P. Gillis
Assistant United States Attorney